



THE BRAILLE MONITOR

Voice of the
National Federation of the Blind

MARCH - 1973

The National Federation of the Blind is not an organization speaking for the blind--it is the blind speaking for themselves.

THE BRAILLE MONITOR

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If you or a friend wish to remember the National Federation of the Blind in your will, you can do so by employing the following language:

"I give, devise, and bequeath unto NATIONAL FEDERATION OF THE BLIND, a District of Columbia non-profit corporation, the sum of \$____ (or, "____ percent of my net estate", or "the following stocks and bonds: ____") to be used for its worthy purposes on behalf of blind persons and to be held and administered by direction of its Executive Committee."

If your wishes are more complex, you may have your attorney communicate with the Berkeley Office for other suggested forms.

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AMERICAN COUNCIL OF THE BLIND DISCREDITED— VICTORY IN THE IOWA LAWSUIT

On June 15, 1972 occurred one of the most bizarre events ever recorded in the affairs of the blind. It cloaked itself in innocence, apparently being the attempt of eighteen abused and deprived blind Iowans to gain justice for themselves and all other blind people in the State. It took the form of a lawsuit filed by the "Iowa Eighteen" against the Director and the three Board Members of the Iowa Commission for the Blind. Incidentally, of course, the Commission Director just happened to be Kenneth Jernigan, President of the National Federation of the Blind.

Very quickly the "Iowa lawsuit" achieved national notoriety. From the beginning it was obvious that the "Iowa Eighteen" were not the real Plaintiffs, that they were only being used as chesspieces in a larger game of complicated and sinister proportions. It developed that they were all members of the American Council of the Blind. It also developed that, while they were represented by a local attorney (Dan Johnston), the name of Durward McDaniel (national representative of the American Council of the Blind) appeared on their petition as "Of Counsel."

The same day the suit was filed, President Jernigan sent a general release to the members of the Federation throughout the country [See *The Braille Monitor* for July 1972], saying in part:

Today members of the Iowa affiliate of the American Council of the Blind filed a court action against me and the members of the Board of the Iowa Commission for the Blind; alleging misuse of State and Federal funds—particularly, the diversion of those funds to the uses of the National Federation of the Blind and its affiliates and to private uses. They brought this action in the name of the blind as a class, even though they have very few members and can certainly not be said to represent the blind of the State. . . .

When I was contacted by the news media this afternoon, I told them that the ACB affiliate in Iowa was largely composed of a small group of people who (in many instances) had experienced personal failures and were venting their frustration upon me and the Commission. I also said that Mr. McDaniel had once been a member of the Board of the National Federation of the Blind but that he had been expelled from membership a number of years ago, and one would assume, might be understandably hostile toward the organized blind movement and its leader. I further stated that the charges were vague and that they were untrue. I concluded with comments to this effect: "All we of the Commission for the Blind have been doing is to try to create opportunities and provide services for the blind, and we intend to continue doing so."

. . . The Governor of Iowa made a strong statement in support of the Commission and of me personally. There have been numerous other expressions

of support from throughout the State.

It is not difficult to understand what the American Council and its leaders are trying to accomplish. It seems to me that they are resentful and jealous of the progress we of the organized blind movement are making and that they are willing to hurt blind people and damage programs for the blind in order to vent their anger. Although this sort of thing is not pleasant, we certainly will not hesitate to deal properly with these people in the courts. . . .

It may be that the members of the ACB believe that we will be embarrassed by their lawsuit and their wild charges and that we will not wish to publicize what they are doing. If so, they will soon learn how mistaken they are! It may be that they think this action of theirs will slow our momentum and divert us from our goals. Let them think again. It may be that they believe their action will remove the spotlight from their lack of program and accomplishment and their constant negativism. They are wrong! We will publicize their disgraceful behavior and their irresponsible charges to the high heavens. We will do our best to see that every blind person in the nation knows every detail. Let them try to hide their shame if they can. Through letters, through *The Monitor*, and the public media we will expose what they have done and we will be stronger for it.

All of this occurred in June of last year, and after the original Presidential Release and *Monitor* article we issued no further publicity on the lawsuit. We felt confident that the courts would act in good time and that what the American Council of the Blind had thought a clever move might well turn out to be their complete exposure and ruin. The courts have now acted and our faith in the judicial system was not misplaced.

The verdict has now been rendered, and we have been granted a Summary Judgment. The actions of the Plaintiffs have been dismissed, and the costs of the case assessed to them. It is doubtful whether the "Iowa Eighteen" will feel warmly disposed toward Mr. McDaniel, who signed himself "Of Counsel," as they contemplate the costs to be paid—unless, of course, the American Council of the Blind and its affiliates intend to pick up the tab.

The magnitude of our victory and the scope of the crushing defeat of the ACB can be seen in two decisions handed down by the Judge and in the newspaper articles written as a result.

On November 9, 1972, Judge Leo Oxberger ruled in part as follows:

Does the petition state a justiciable cause of action?

Both parties agree that the judiciary will not interfere with the discretionary acts of a public official.

The following activities of the Director are matters within the discretion of

the Blind Commission and not subject to judicial review. They are:

1. The director may allocate his time to activities in the furtherance of the interests of the blind in such a manner as is acceptable to the Commission;
2. The Director may permit employees of the Commission to assist in the organizational activities of any private organization involved in furthering the interests of the blind;
3. The Director may serve as national president of the National Federation of the Blind, a private organization whose sole purpose is to further and protect the interests of the blind;
4. The Director may travel within and outside the State of Iowa, with the permission of his employer, the Iowa Commission for the Blind, for the purpose of promoting the National Federation of the Blind and its goals;
5. The Director may permit his employees to travel within and outside the State of Iowa, with the permission of his employer, the Iowa Commission for the Blind, for the purpose of promoting the National Federation of the Blind and its goals.

The Court has examined the depositions of the plaintiffs and found no acts the plaintiffs contend the defendants did that are unlawful and thus subject to the Court's review.

The story of the Judge's ruling was carried by almost every newspaper in the State. The *Des Moines Register*, which has a circulation of several hundred thousand and is Iowa's largest newspaper, carried it on November 10, 1972. The article was prominently displayed on the front page as follows:

**Judge Backs Jernigan's
Activities as Head of Blind**
By Stephen M. Johnson

[Reprinted, with permission, from the *Des Moines Register*, November 10, 1972.]

A Polk County District judge ruled Thursday that Kenneth Jernigan's activities as president of the National Federation of the Blind are perfectly compatible with his role as director of the Iowa State Commission for the Blind.

Eighteen blind Iowans filed suit against Jernigan in June, charging him with using state funds for promotional activities for the National Federation, which is a private association.

The suit claimed that because Jernigan was spending time and money working with the

federation, blind persons in Iowa were being deprived of services to which they were entitled by law.

But Judge Leo Oxberger ruled Thursday that Jernigan's activities on behalf of the National Federation were "discretionary," and therefore not subject to review by the courts.

The suit had been filed by Des Moines attorney Dan Johnston for eighteen Iowans who are members of a group calling itself the Iowa Council of the Blind. The group represents only a fraction of the 6,000 Iowans who are blind, according to Jernigan.

Jernigan is president of the 50,000-member National Federation of the Blind, and also serves on various federal commissions and committees seeking to aid the blind.

In his ruling, Oxberger said Jernigan "may allocate his time to activities in the furtherance of the interests of the blind in such a manner as is acceptable to the commission.

"He may permit employees of the commission to assist in the organizational activities of any private organization involved in furthering the interests of the blind."

The judge wrote that Jernigan could serve as president of the National Federation of the Blind and travel anywhere in the country to promote its activities.

Oxberger wrote that the Code of Iowa has given the State Commission on the Blind broad powers to assist the blind in this state, and "it is not the duty of the court to tell the commission how best to aid the blind." That, Oxberger rules, is a "political" question, not a justiciable issue.

In an interview, the judge said that "as long as Mr. Jernigan's activities are furthering the interests of blind people, the court cannot become involved. The plaintiffs, if they have a complaint, should go to the Commission on the Blind itself or to the governor or Executive Council."

Jernigan said late Thursday he was "very pleased" with Oxberger's ruling. "The blind in the state will feel this is a vindication of our efforts. We said all along that the suit was brought by a small group of vindictive people who have a personal grudge against us."

Jernigan said his activities as president of the National Federation of the Blind "have benefited the blind here in Iowa and Iowans can take pride in our programs."

Lawyers for the persons filing the suit could not be reached for comment.

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The November 9, 1972 ruling by the Judge was in response to a motion for adjudication of certain law points filed by the Defendants August 30, 1972. On the same date the Defendants asked for summary judgment and dismissal of the case, with costs to be paid by the "Iowa Eighteen." The Judge's final order in the case was handed down January 15, 1973 and reads as follows:

Now on this fifteenth day of January, 1973, the matters pending before the court having been fully submitted and the court having considered the briefs, arguments and affidavits submitted by the parties, the court makes the following order.

The defendants filed a motion for summary judgment on August 30, 1972. On December 5, 1972, plaintiffs filed a resistance to said motion with affidavits attached. Hearing before the undersigned was held on the nineteenth day of December, 1972.

Rule 237 of Iowa Rules of Civil Procedure states:

"Summary judgment may be had under the following conditions and circumstances:

(b) for defending party...may, at any time, move with or without supporting affidavits for a summary judgment. . . .

(c) . . . The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law."

The court has thoroughly considered the pleadings, depositions, and affidavits offered by plaintiff in opposition to the motion for summary judgment. The court finds that the facts alleged do not show that the blind people of Iowa have been deprived of services or funds by the acts of the defendants that would justify injunctive relief. The plaintiffs assert that additional evidence is in the defendant's possession and that the court should continue this cause and order that interrogatories be answered and that depositions be ordered. Plaintiff's conclusory statement does not recite any facts that would entitle the plaintiffs to the injunctive relief they have asked for. To offer further discovery would be to permit a fishing expedition into defendants' files without any substantial basis.

It is Ordered that plaintiff's motion for continuance to obtain further discovery is overruled.

It is Further Ordered, Adjudged and Decreed that defendants' motion for summary judgment is hereby sustained and this action is hereby dismissed at

plaintiff's costs.

/s/ Leo Oxberger
JUDGE OF THE FIFTH JUDICIAL
DISTRICT IN AND FOR THE
STATE OF IOWA

As with the November 9, 1972 ruling the court's final order for a summary judgment and dismissal was widely reported in the press. Typical was the article carried by the *Des Moines Tribune* on January 17, 1973:

Dismiss Blind Iowans' Suit

[Reprinted by permission of the *Des Moines Tribune*.]

A lawsuit filed last year by eighteen blind Iowans that charged Kenneth Jernigan, director of the Iowa Commission for the Blind, with misuse of state and federal funds has been dismissed by Polk County District Judge Leo Oxberger.

The suit filed by the plaintiffs, all members of the American Council of the Blind, contended that Jernigan and several members of his staff used commission funds to promote activities of the National Federation of the Blind, a rival organization of the American Council.

Jernigan is president of the National Federation.

In his ruling Oxberger said the lawsuit was "motivated by the feelings of enmity toward Jernigan and the National Federation of the Blind held by those leading a competing blind organization . . ."

Oxberger said he felt a "strong aversion to use of the courts to serve such objectives."

The allegations raised in the suit were not "of such a nature" to justify issuing the injunction sought by the plaintiffs, the judge ruled.

The plaintiffs had asked for an injunction to stop Jernigan from using commission funds for National Federation purposes. They had contended that Jernigan and some of his staff used commission funds to build office equipment for the National Federation and devoted time to that organization while drawing a salary from the commission.

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Between the beginning of the case in June and its conclusion in January a number of things occurred which deserve comment. Nothing could be more revealing, for instance, than the conduct of Durward McDaniel. The sworn statements of the Plaintiffs make it clear

that he was in Iowa before the lawsuit, making preparations for it. In fact, a number of the "Iowa Eighteen" said under oath that they had been asked by Mr. McDaniel to put their names to the petition and become Plaintiffs--in some cases when they had neither read the complaint nor been made aware of its specific details. "Soliciting a lawsuit" is, of course, universally considered to be unethical by the legal profession, being viewed much in the same light as "ambulance chasing" is by the medical profession. It is grounds for severe censure and, in certain cases, could even lead to disbarment.

When depositions were taken from the "Iowa Eighteen" on July 18 and again on July 20, 1972, Mr. McDaniel was conspicuously present. Whether Mr. McDaniel was troubled by fear of the charge of having "solicited a lawsuit," or whether something else led to the decision, his pattern changed radically. Two things occurred at the July 20 session which may have significance. The Plaintiffs had been asked to bring all of the documents in their possession which they claimed would prove their charges. All they brought was a handful of run-of-the-mill letters from the NFB President. Some of these letters (which, incidentally, later turned up in the hands of agency officials in other states--one has to wonder how they got there) dealt with NFB organizing efforts. Others (such as the one congratulating a deaf-blind man on receiving an award) were totally unrelated to anything. Since the NFB President had not given these letters to the Plaintiffs, the question naturally arose as to how they had got from his files into the possession of the Plaintiffs. Under oath the Plaintiffs said that they did not know where the letters came from.

Be all of this as it may, the lawyers for the Defendants told the lawyers for the Plaintiffs that, when depositions were resumed on August 10, 1972, they wished to put Mr. McDaniel under oath to ask him certain questions. It may be speculated that, among other things, Mr. McDaniel would have been asked what he knew about the procuring of the letters and the "soliciting of the lawsuit." August 10 arrived but Mr. McDaniel did not. In fact, so far as anyone knows, he has never been back in Iowa until this day, despite the diligent search of the Defendants to catch him to put him under oath and take his deposition. One can only guess at the feelings of the "Iowa Eighteen," on the front lines being grilled and questioned under oath, while the Washington representative of the American Council of the Blind, who had put his name to the petition as being "Of Counsel," was nowhere to be seen--presumably safely directing the troops from the comfort and security of general headquarters in the Nation's capital. (In this context it is not difficult to understand the statement of an official of the American Council of the Blind to the members of that organization some months ago when he said: "I shall never ask you to join me on the barricades." Perhaps the title of their next banquet address will be: "I shall send you to the barricades"--if, of course, the barricades are sufficiently distant.)

In any case the Defendants took note of Mr. McDaniel's behavior in the motion for summary judgment of August 30, 1972. The motion reads, in part:

D. The depositions conclusively show that this action was not brought in good faith and with clean hands, but, instead, was instigated by the out-of-state attorney--not a member of the Iowa bar--whose name is typed on the Petition as

"Of Counsel," who is a paid representative of a competing blind organization; and that such attorney telephoned and importuned various of the plaintiffs (and had some of them call others) to become parties plaintiff in this case with the sole purpose of causing embarrassment to this defendant by the ensuing publicity; and not for any proper purpose that equity will countenance.

As the summer faded into autumn and the autumn lapsed into winter, it became ever more apparent that the Plaintiffs had no case—none at all. It also became increasingly obvious that they would have to pay court costs and the costs involved in taking lengthy depositions, even if it meant personal judgments and liens against their private real estate, if any. Even so, Mr. McDaniel's schedule did not permit him to return to the front lines. On January 5, 1973, the lawyers for the Defendants (acting pursuant to the Iowa Rules of Civil Procedure) served the following "Deposition Notice" on Mr. McDaniel, sending it to the attorneys for the Plaintiff:

TO: Durward K. McDaniel AND Dan Johnston
20 E Street, N. W. 917 Savings & Loan Bldg.
Washington, D. C. 20001 Des Moines, Iowa 50309

ATTORNEYS FOR PLAINTIFFS

You are hereby notified that the defendants in the above entitled matter will take the deposition of Durwood K. McDaniel pursuant to the Iowa Rules of Civil Procedure, on the 17th day of January, 1973, at 10:00 a. m., CST of that day, and thereafter from day to day as the taking of the deposition may be adjourned, at the office of Verne Lawyer, 427 Fleming Building, Des Moines, Iowa, said deposition to be taken before some person authorized by law to administer oaths.

In the meantime further complications had arisen for the Plaintiffs. Their attorney, Dan Johnston, had gradually begun to bow out of the case. He was in the process of moving from Des Moines to New York City to take other employment.

The following letter from Eugene Davis, one of the lawyers for the Defendants, is self-explanatory:

EUGENE DAVIS
Attorney at Law

January 18, 1973

Mr. Kenneth Jernigan
4th & Keo Way
Des Moines, Iowa

Re: *Carter, et al. vs. Jernigan, et al.*

Dear Mr. Jernigan:

I previously sent you a copy of the notice of the taking of the deposition of Durwood K. McDaniel in Verne Lawyer's office here in Des Moines on January 17, 1973. This notice was mailed to Durwood McDaniel and Dan Johnston on January 5, 1973, as shown by the certificate thereon.

On Monday, January 15, 1973, I received a phone call from Clark Holmes of Des Moines, who has recently entered the case as additional counsel for the plaintiffs. Mr. Holmes stated that Mr. McDaniel was not going to be present in Des Moines for the deposition on January 17. He was not positive as to the reason, but implied, at least, that the reason may have been that Mr. McDaniel was unable to arrange his schedule for this trip at this time.

I asked Mr. Holmes whether it was really a scheduling problem, or whether he was telling me that Mr. McDaniel would not voluntarily come to Des Moines for a deposition at any time. He stated that, being new in the case, he could not give me an answer as to whether Mr. McDaniel might appear in Des Moines for this purpose at some future date. He did state that he and Dan Johnston had told Mr. McDaniel that they felt it would be advisable for him to do so, but that Mr. McDaniel had not given them a definite answer.

I made no memorandum of the content of the call at the time, and I am quite sure the above is not a word for word report of what was said, but it is my best recollection of the substance of the brief conversation we had.

Yours very truly,
/s/
Eugene Davis

As has already been said, depositions were taken from the Plaintiffs July 18, July 20, and August 10. Sixteen of the Plaintiffs were questioned extensively under oath. Two of the Plaintiffs (Mr. and Mrs. William Klontz, both now deceased) were unavailable because of

health problems. (It might also be noted in passing that, although the Plaintiffs have constantly referred to themselves as "blind Iowans," three of them were not blind at all, but this is only one of their lesser inaccuracies.) During the three days many hundreds of pages of testimony were taken. The resulting mountain of rumor, trivia, hearsay, and absolute nothingness is positively unbelievable.

As it became clear that the Plaintiffs did not have meaningful evidence, most of them said that they believed that their lawyers and Mr. Harold Carter had such evidence. They said Mr. Carter knew of the wrongdoings of the Commission Director. Mr. Carter is a former employee of the Commission. He admitted under oath that he had been told (while still an employee of the Commission) that he would have to change certain of his patterns and improve in some of his actions. He also admitted that he had received service from the Commission since leaving its employment.

The Plaintiffs contradicted each other. Mary Berdell said that they had gone to see the Governor in 1971 to try to get a member of the Iowa Council of the Blind appointed to the Board of the Iowa Commission for the Blind. Mr. Carter had no such recollection. Some of Mr. Carter's deposition went as follows:

Mr. Verne Lawyer: You went to the Governor's office in 1971, didn't you, in April?

Mr. Carter: Yes, I believe it was April.

Mr. Lawyer: You were accompanied at that meeting by several other persons, weren't you?

Mr. Carter: Yes

Mr. Lawyer: Those persons included Lyle Williams, and who else?

Mr. Carter: Lorna Powers and Mary Berdell.

Mr. Lawyer: The purpose of your going there was to try to entreat the Governor to appoint a member of the Iowa Council of the Blind to a position on the board of the Iowa Commission, was it not?

Mr. Carter: No, sir.

Mr. Lawyer: It was not?

Mr. Carter: No, sir.

Mr. Lawyer: Would it surprise you to know that those who have previously testified and whose names you have just given us as having been there have so stated?

Mr. Carter: It actually would surprise me, yes, because that was not the purpose.

Mr. Lawyer: What was the purpose?

Mr. Carter: The purpose was to get a fair hearing for our views, as I understand it.

Mr. Lawyer: With whom?

Mr. Carter: With Governor Ray.

Mr. Lawyer: All right. Did he give you a hearing?

Mr. Carter: He gave us a very unfair one.

Mr. Lawyer: All right. Tell me about how it was unfair.

Mr. Carter: He treated us very condescendingly, very brusquely, very—in a very unfriendly way, and spent his entire time quizzing us about pistols on hips at meetings, and purely emotional things, trying to quiz us that we were just picking a fight with Jernigan.

Mr. Lawyer: He told you that he was somewhat unhappy that he had heard that your meetings of the Iowa Council of the Blind were posted with guards at the door. Did he not tell you that?

Mr. Carter: That was the final thing that we talked about, yes.

Mr. Lawyer: Yes. He told you he was unhappy about that, didn't he? He told you that wasn't the right thing to do, didn't he?

Mr. Carter: As I recall, I think he said he was surprised.

Mr. Lawyer: Didn't he also say to you in view of the fact that you folks were there attempting to persuade him to include one of your members on the Commission Board that it disturbed him quite a bit to find out that you were not permitting anybody in your meetings except those who you wanted there, and that you were guarding the door with a pistol, isn't that true?

Mr. Carter: No.

Mr. Lawyer: He didn't say that?

Mr. Carter: No, because to my knowledge we were not there to try to get a Commission person appointed—I mean to get an Iowa Council representative appointed. . . .

Mr. Lawyer: You say that no such conversation took place with the Governor, with Mary Berdell and the Governor when you were there?

Mr. Carter: I say I do not recall such things being talked about, no.

Mr. Lawyer: Well, if the Governor recalls that such a conversation was talked about you would probably defer, wouldn't you, or would you?

Mr. Carter: I don't know whether I would or not.

Mr. Lawyer: You don't have much faith in the Governor.

Mr. Carter: I don't.

The depositions indicated other momentous grievances and deprivations. One of the Plaintiffs, for instance, complained that Mr. Jernigan had been unfriendly to him at a meeting but that the next year, at a similar meeting, Mr. Jernigan had been overly friendly. It was alleged that the Commission permitted certain blind persons to have a room for the night at the Commission building when they were visiting in Des Moines. It was also alleged that Mr. Jernigan had sold to Mr. Carter a discarded desk left by the YMCA when they sold the building to the Commission in the early 1960's. Mr. Jernigan supposedly received two dollars for the desk. The questioning went this way:

Mr. Carter: Another instance, I have an old desk which was YMCA property in my basement. They had a whole bunch of furniture and fans and things like that that were being sold. I got there with two dollars fastest and got this desk and took it home. I paid Mr. Jernigan the two bucks, and that was it.

Attorney Eugene Davis: Do you know what he did with your two?

Mr. Carter: After I gave it to him; no sir.

Mr. Davis: You didn't see him going on vacation with that?

Mr. Carter: Not too far. I don't think he could go very far on that even in '63.

A typical exchange took place between Bessie Armstrong and Attorney Eugene Davis:

Mr. Davis: Mrs. Armstrong, did someone contact you about becoming a party to this case?

Mrs. Armstrong: About coming down here?

Mr. Davis: No, about signing up on this petition when this lawsuit was filed.

Mrs. Armstrong: Well, I didn't know too much about it.

Mr. Davis: How did you find out there was going to be a case?

Mrs. Armstrong: Well, there was talk about it for a while, and then it kind of died down, and I really forgot about it until lately, then it popped up again, so, of course, I did what I could do.

Mr. Davis: Well, I wanted to know who brought it to your attention recently?

Mrs. Armstrong: Oh, dear, I don't know because I have so many friends that were implicated. We discussed it, you know, naturally.

Mr. Davis: You can't recall who told you that a suit was going to be filed.

Mrs. Armstrong: No, I really can't.

Mr. Davis: Did someone ask you if you wanted to have your name be one of the persons in the lawsuit?

Mrs. Armstrong: No, they just assumed that I was going to, and I let them assume it.

Mr. Davis: Did you know what this lawsuit was going to claim, that Mr. Jernigan and the Commission members have done?

Mrs. Armstrong: I did. That is the reason I let them go on with it, with my part of it.

Mr. Davis: All right. Now this lawsuit claims that Mr. Jernigan and the Commission members have taken funds from the Iowa Commission for the Blind and used them for improper purposes. Do you know that?

Mrs. Armstrong: Yes.

Mr. Davis: Do you have facts on which that accusation is based?

Mrs. Armstrong: No, I really haven't.

Sometimes even the lawyer for the Plaintiffs found the going rough when trying to get the complainers to cooperate. In the following exchange remember that Mr. Johnston is the attorney for the Plaintiffs. The following passages are taken from the deposition of Noma Hockstatter:

Mr. Lawyer: Who do you say got fired because they weren't yes men?

Mrs. Hockstatter: I am not talking.

Mr. Johnston: Come on. If you know of anybody you have to answer. If you don't know of anybody, say you don't know of anybody.

Mrs. Hockstatter: I really don't know of anyone, only hearsay.

Mr. Johnston: All right.

Mr. Lawyer: Tell me the hearsay.

Mrs. Hockstatter: No.

Mr. Johnston: Yes, you have to tell them what you heard. You can tell them what you have heard. Do you remember what you have heard?

Mrs. Hockstatter: Well, I think the party probably instead of fired, he probably quit on his own. . . .

. . .

Mr. Lawyer: Mrs. Hockstatter, can you tell me one thing that Kenneth Jernigan has not done that he could have done had he not been as you say, running around?

Mrs. Hockstatter: That is beside the point. I think when you get a job and are paid for it, you should do it.

As one reads the depositions, it is hard to know whether to laugh or cry. The story that unfolds is one of petty jealousies, imagined wrongs, and behind-the-scenes manipulations from out-of-state operators with axes to grind. On the one hand, the Iowa Commission for the Blind—a program which has done so much to improve the lot of the blind of Iowa and the entire nation and which is respected and supported by the overwhelming majority of both sighted and blind citizens of the State—has been subjected to attacks in the newspapers and charges of misuse of funds. This has to be counted as a tragedy, a squandering of effort and resources, a diversion of energy, an attempt at harm and destruction. On the other hand, the depositions and behavior of the Plaintiffs are a combination of pathos and ridiculousness. And behind it all, of course, stand the real instigators and movers—the ones who would destroy and wreck (if only they could) both the Iowa Commission for the Blind and the National Federation of the Blind—the people who have no positive program of their own and who live on hatred and jealousy of the success of the organized blind movement and the Iowa programs. Who else! The American Council of the Blind.

Although many people have been hurt by this ridiculous lawsuit, who are the real victims? They are the "Iowa Eighteen"—the people who were sent into the front lines,

manipulated, and left to face the music. They followed unquestioningly. They believed what they were told. Consider the following passage from the deposition of John Powers:

Attorney Eugene Davis: What we want to know is how it is that you folks claim that the unlawful or improper diversion of funds have deprived the blind people of this state of the services to which they are entitled.

Mr. Powers: Well, I would have to answer that by saying we appointed this committee which you have already been advised of, and I, as a Council member, stand back of that committee. I stand back of my attorneys. I am not acquainted with all the evidence that they do have, and I just have to say that I'll stand back of the committee and the attorneys.

Mr. Davis: Well, as far as any knowledge of these facts or how it is put together to make this lawsuit, you don't understand it?

Mr. Powers: That is correct all the way.

Mr. Davis: I take it, then, you don't have any papers or books or records or anything like that that you claim to establish this?

Mr. Powers: No, nothing.

Mr. Davis: I think that is all I have.

Mr. Powers: I knew it wouldn't take you long to find out how much I knew.

But enough of the depositions. From the point of view of the "Iowa Eighteen" and the American Council of the Blind they were a fiasco and a disaster. They proved the emptiness of the charges and the lack of a case. As to the claim that funds had been improperly used, the State Auditor reviews all financial transactions of the Iowa Commission for the Blind each year and has consistently praised the Commission for its economy and efficiency of operation. After the filing of the lawsuit, the yearly audit was performed. It was even more thorough than usual, lasting for well over a month. The State Auditor later told the Director of the Commission that he had wanted to double check every possible area of criticism so as to be able to answer any charge. And what was the result of the audit? Commendations, and the expression of the wish that every other State department would spend its money as wisely and well. Did this satisfy the Plaintiffs? Not on your life. The Auditor refused to condemn Jernigan. Well, that just proves there was something wrong with the Auditor, too. The State Auditor said to the press that some of the Plaintiffs had made unkind remarks about him.

Somewhere around Labor Day, 1972, a letter was sent out over the signature of Lyle Williams, one of the "Iowa Eighteen" and president of the Iowa affiliate of the American Council of the Blind. The letter scurrilously attacks the Director and members of the Iowa

Commission for the Blind. It closely resembles (both in the form of its type and the characteristics of the addresses printed on its envelopes) routine mailings by the American Council of the Blind. It was sent without postage as "Free Reading Matter for the Blind." Surely it is questionable whether Congress intended that the free reading matter privileges should be used for a fundraising appeal sent to thousands of people throughout the nation. Presumably such irresponsible abuse of the free reading matter privileges could call the entire matter into question and jeopardize this advantage for all of the blind.

Regardless of this, the mailing was certainly a violation of Iowa law. In Iowa an unincorporated group may not make a fundraising appeal without applying for a permit from the Office of the Secretary of State. Lyle Williams is not an incorporated group, even though the return address on the letter bearing his name is that of a post office box in Council Bluffs, Iowa, held in the name of the Iowa Council of the Blind. If one assumes that Mr. Williams and his colleagues were unaware of the Iowa law (and they probably were), this still would not excuse them from the duty of complying with the law once they learned of its existence. Mr. Williams was informed of its existence, but at the time of this writing he has not yet seen fit to apply for the permit (even retroactively) or to file the necessary reports as to how much money he has received or what he has done with it.

In other words we have here a man who is bringing a lawsuit to compel people to abide by the law. To finance this action he raises money illegally and then refuses (even when informed of his error) to obey the law. What irony!

Perhaps one possible motive for the lawsuit can be found in the interrogatories which the Plaintiffs tried to make the Director of the Commission answer shortly after the suit was filed. The Director was asked to say under oath who kept the records and bank accounts for the National Federation of the Blind, the FEDCO corporation, Nu-Mode Plastics, the American Brotherhood for the Blind, and Services for the Blind, Inc. Various other questions were asked about the affairs and operations of the Federation. Obviously, these inquiries were not answered. As the Judge pointed out in his ruling, the opponents of the organized blind movement have no right to go on a "fishing expedition" through our files and records. If the enemies of the Federation really believed that, through a trumped-up lawsuit, they could prowl through our files at will to get ammunition to attack us, they have even less savvy than one would have thought.

A few days after the Judge gave his verdict, a prominent Iowa State Senator took occasion to congratulate the Director of the Commission publicly upon the outcome of the case. He did so in a legislative committee meeting and said that he made his remarks for the record to indicate the support and confidence which he and other members of the Legislature felt in the Commission's program.

So the verdict has been rendered. Where do we go from here? In the first place, the American Council of the Blind stands totally discredited. It will have a hard time recovering from such a blow. It does not matter that the ACB was not the official Plaintiff. This only compounds its shame and its problem. The American Council of the Blind should have been

mindful of the ancient proverb: "When digging a grave for your enemy, dig two." Let the dead bury the dead.

And what of the Iowa Commission for the Blind? Its prestige is undiminished. In fact, there is considerable evidence that it has been strengthened by what has occurred. The so-called "charges" that have been whispered here and there have been brought into the open and exposed for what they are. The Governor, the Auditor, the Legislature, the public, and the blind of the State are more solidly behind the Commission than ever.

And what of the National Federation of the Blind? What has this lawsuit done to us? It has united and strengthened us as nothing has ever done before. President Jernigan indicated at the Convention last summer that the momentum of the NFB would continue undiminished. Such has been the case. During the time of the lawsuit we have increased our pressure on NAC. We have assisted the blind vending stand operators of the Cleveland area in their fight for justice. We have won final victory in the *Weckerly* case. In other words, we have continued to go forward on every front, believing in the rightness of our cause and the strength of our movement.

And, finally, what of the "Iowa Eighteen?" They can, of course, appeal the Judge's ruling to the State Supreme Court—that is, they can if they wish to compound the problems they already face. If they can be "sent to the barricades" by the generals from behind the lines, the Supreme Court route is the one they will doubtless take. On the other hand, they may have second thoughts before taking the plunge. Instead, they may be saying something to the effect of, "Take me to my leader!" Or even: "Please, Mr. Durward, I don't wanna go." Anyway, by the time you receive this issue of *The Monitor* the "Iowa Eighteen" will have decided either to appeal or to let bad enough alone.

There are also decisions which we must make. Shall we let the matter rest where it is, or shall we take countermeasures in the courts for the injustice which has been done to us? Whatever the outcome of all these decisions, the Iowa lawsuit was a watershed. The American Council of the Blind can never again be even as much as it was, little as that might have been. In fact, its very credibility and survival as a recognizable entity are now at stake. Likewise, the National Federation of the Blind can never go back. The upsurge of unity and determination triggered by this lawsuit has carried us to newer and higher ground. The gains will be permanent.

* * * * *

CONGRESSMAN MILLS AGREES TO SUPPORT DISABILITY INSURANCE BILL

[Editor's Note: President Jernigan sent the following letter to State and chapter presidents after his meeting with Congressman Wilbur Mills, chairman of the House Ways and Means Committee.]

Dear Colleagues:

This may well be the most important letter I have ever written to you. It can mean the difference in the quality of lives for the blind of this country for decades to come, depending on your action or lack of action—and I mean action by each and every member of the National Federation of the Blind.

This afternoon (January 30, 1973) John Nagle and I (along with Ralph Sanders, president of the National Federation of the Blind of Arkansas) met with Congressman Wilbur Mills, chairman of the powerful House Ways and Means Committee. Congressman Mills promised us that he would join with Congressman Burke in co-sponsoring our disability insurance bill. He made the statement without reservations and gave me permission to inform you of his action. He says that he will do what he can to help us pass the bill.

The implications of this decision by Congressman Mills cannot be over-emphasized in importance. If we do our part, it should mean that the disability insurance bill will be passed during this session of Congress. The bill has repeatedly passed in the Senate. It has repeatedly failed to pass in Congressman Mills' Ways and Means Committee. It has had much support in the Ways and Means Committee of the House, but it has never had the support of Congressman Mills.

I told Congressman Mills that he would have the undying gratitude of the blind of this nation for his decision to support us. I also told him that we felt his support would be sufficient to get the bill passed—assuming, of course, that we would do our part. And I assured him that we would.

Therefore, I now call on you for immediate and decisive action. Before the end of the month of February I want each chapter of the Federation (regardless of how small the chapter may be) to get at least twenty letters sent from members and friends to Congressman Mills. In addition, chapters should try to do much more as should individual members. Each and every member of our organization should write a letter to Congressman Mills and should stimulate a letter from at least two other persons, family members or friends.

These letters should tell Congressman Mills that I have informed you of my meeting with him and of his agreement to co-sponsor our disability insurance bill. They should express gratitude to him and tell him that the blind and their friends will always remember this action of his. The letters should be numerous; they should be immediate; and they

should be as strongly worded as possible. Above all, tell him that you are aware of my meeting with him and of his promise.

This is the year and this is the time. If you want the disability insurance bill passed, pour on the steam—and do it right now. We have almost fifty thousand members in the National Federation of the Blind. Before the month of February is over, we must have at least one hundred thousand letters in the hands of Congressman Mills. How many of those letters can you write or stimulate? Other action will be needed later, but this is the action that is needed now.

Let us see what we can do as an organization of the blind.

Send your letters to Congressman Wilbur D. Mills, chairman, House Committee on Ways and Means, Longworth House Office Building—Suite 1102, Washington, D. C. 20515.

Cordially,

Kenneth Jernigan, President
National Federation of the Blind

* * * * *

NAC—STILL UNREFORMED, STILL UNBELIEVABLE

[Editor's Note: *Monitor* readers know that the NFB President has been carrying on correspondence in recent months with Dr. Peter Salmon, President of NAC, to try to bring about consumer participation and general reform in NAC's operation. The latest developments make it clear that much work still remains to be done. NAC's actions come through like a bad soap opera. The following letters and documents need no explanation:]

NATIONAL ACCREDITATION COUNCIL *For Agencies Serving the Blind and Visually Handicapped*

January 10, 1973

Mr. Kenneth Jernigan, President
National Federation of the Blind
524 Fourth Street
Des Moines, Iowa 50309

Dear Ken:

Thank you for your letter of December 12. Because of your interest we are enclosing a "Report of a Tentative Proposal for the Development of Standards for Consumer Participation" which was presented by Mr. Topitzer to our Board of Directors at their

meeting on December 11, which representatives from the Federation and other organizations attended. Copies of this report will be going out to those present at the meeting.

The project proposal is still in the developmental stage and we anticipate that we will be having a meeting to discuss the proposal which will include consumers from various organizations of the blind.

We are confident that your membership will be very interested in the enclosed statement on consumer participation. If your editorial policy permits, we respectfully suggest that you include this in the *Monitor*.

Sincerely,

Peter J. Salmon

NATIONAL FEDERATION OF THE BLIND

January 22, 1973

Dr. Peter J. Salmon, President
National Accreditation Council
for Agencies Serving the Blind
and Visually Handicapped
79 Madison Avenue
New York, New York 10016

Dear Peter:

On December 12, 1972, I wrote to you, beginning as follows: "I have your letter of December 5, 1972, and I find it rather strange." I now have your letter dated January 10, 1973, and I must tell you that I find this one nothing short of astounding. It yet remains to be seen whether you can write a third letter of even more unique proportions.

I know that you received my December 12 letter, for you admit as much in yours of January 10. Yet, your January 10 letter does not seem to be in the slightest responsive or to deal with the issues I raised with you. It is almost as if I asked whether you liked eggs and you replied that it rained last Thursday. Just in case you have misplaced my December 12 letter, I herewith send it to you again. [The December 5 and December 12 correspondence was reproduced in the February, 1973 issue of *The Braille Monitor*.] I ask that you read it along with yours of January 10 to see whether I have correctly described your actions.

I now raise with you again the questions in the December 12 letter and ask that you

give me a direct response. It is not necessary to rephrase what I said in the December 12 letter, so I will merely quote from it:

NAC either is or is not interested in talking to the organized blind about the issues we have raised. Top level NAC officials either will or will not meet with us for such a discussion. These are surely reasonably clear-cut issues. Therefore, I request once again that you follow through on your letter of November 22 and that a meeting be arranged in Chicago for the purposes indicated. . . . In any case I now ask you whether NAC will or will not do these things.

Although your January 10 letter is not at all responsive to mine of December 12, it does raise issues which require comment. You enclose a document entitled "Report of a Tentative Proposal for the Development of Standards for Consumer Participation," and you say concerning it:

We are confident that your membership will be very interested in the enclosed statement on consumer participation. If your editorial policy permits, we respectfully suggest that you include this in *The Monitor*.

You are right. The members of the Federation certainly will be interested in the statement, and we would probably insist upon publishing it in the *Monitor* even if NAC objected. In fact, I think that we may have extra copies of it run for the broadest possible distribution. We will want every blind person in this country, and every friend of the blind, to see this document and study it carefully.

Although I have told you that your letters were "unresponsive," "strange," and "astounding," I confess that I cannot find the superlatives to describe the "Report of a Tentative Proposal for the Development of Standards for Consumer Participation," by Mr. Topitzer. As I read the unbelievable jargon and gobbledegook, as I waded through sentence after sentence of the insulting and condescending double-talk of the document, I simply could not believe that even NAC would have the effrontery and short-sightedness to print such a paper. I have read it several times, and I am still not sure I believe it. The first person to whom I showed the document said, "Have the NAC people completely taken leave of their senses? They are totally out of touch with reality."

Is one, for instance, really intended to take seriously a sentence like the following:

Increased consumer involvement can promote a cooperative relationship or partnership between service provider and service user that would insure more valid assessment of need, improved communication and feedback between two reciprocal components to validate program and services, insure their relevance, and make the agency more responsive.

Or, get a good grip on your psyche, and sink your teeth into that portion of the document which reads:

Let us, then begin by asking, who is the consumer? We must recall that this concept is borrowed from the field of economics where it refers generally to such things as the right of the purchaser to know the contents of the cereal package. Are we taking liberties by applying this same term to the recipient of complex psychosocial services provided by a trained professional?

What a statement! It is enough to set your id resonating with your ego to the detriment of every synapse of your nervous system.

From all this high-flown jargon one would think we were dealing with very mysterious and arcane subject matter. Such is not really the case at all, of course. As most normal human beings would understand the term, "consumers" of the services of NAC and the other agencies working with the blind are blind persons. A "consumer representative" is a person elected by a truly representative organization of the blind to speak for the blind. Such a person would probably be blind himself, but if the consumers chose, they could conceivably elect a sighted person as their representative.

It is not merely the National Federation of the Blind which finds trouble with your double-talk about what a "consumer" or a "consumer representative" really is. The National Rehabilitation Association, for instance, (an organization not totally composed of radical militants) has something to say on the subject in its publication *The Journal of Rehabilitation* for September/October, 1972. Their definitions of a "consumer" and a "consumer representative" are very clear and right on target—not at all the sort of thing Mr. Topitzer might have written.

On the inside of the front cover of the magazine is an editorial entitled "Consumer Involvement in NRA." I quote to you from it:

1. *Definition:*

- (a) A consumer is defined as an individual who by reason of his disability is eligible for, may require, has received, or is a recipient of some kind of human service including medical, rehabilitation, housing, transportation, etc., as provided by an agency.
- (b) A consumer group is defined as a group of consumers who have joined together for the general welfare of their membership.
- (c) A consumer representative is an individual who represents a constituency, who is elected by them, and accountable to them.

If Mr. Topitzer had only known of the September/October, 1972, *Journal of Rehabilitation*, think of all the research which might have been saved. He might even have avoided all of "Phase 1." So what will NAC now say—that the NRA doesn't know what its talking about, that it really doesn't mean it, that it has been infiltrated by the wicked

National Federation of the Blind? In other words it is not merely the blind (or some radical fringe of the blind) but also many of the agencies who are questioning NAC's behavior, procedures, and underlying assumptions.

NAC purports to set standards for agencies doing work with the blind. Its activities affect the lives of all blind people—the child, the student, the sheltered shop worker, the agency client, the senior citizen, the self-employed, and the housewife—all of us. Despite the fact that a token number of blind people are on the NAC Board, "representatives" of the blind are conspicuous by their absence. As blind people, we have had enough of the double-talk and the evasion, and we simply will not tolerate the situation any longer if we can help it. Representatives of the blind were not allowed meaningfully to participate in the establishment of NAC or its standards, and they are not now allowed meaningfully to participate in its operation. We want all of this changed, and we think what we ask is reasonable.

As with other minority groups, it is possible for those who wish to maintain the status quo or deny the existence of the problem to try to confuse the issue. We have our Uncle Toms; we have tokenism; we have efforts to divide and conquer; we have attempts to buy off the troublemakers; we have threats and intimidations; we have professional sounding studies and reports; we have impressive meetings and conferences; we have pleas for understanding and delay; we have talk about "positive and constructive action"; we have the force and prestige of tradition and custom; and we have a hundred other delays and obstacles. But we will not be put down, and we will not remain silent. NAC affects our lives, and we are going to make it responsive to us.

If you doubt this, consider the rising tide of inquiries from Congress. These will not be stopped by the form letters from HEW, churned out by the hundreds with only the names of individuals substituted in each letter, nor will they be stopped by the solicited testimonials from the agencies NAC has accredited. Consider the demonstration which occurred in New York City at your December, 1972 meeting. It was only a hint of what is to come. Wait until you meet in Cleveland this summer. And wait until the blind begin to demonstrate in increasing numbers at the homes and offices of the individuals who make up your board.

Mr. Topitzer's paper is an affront and an insult. We do not need to talk about "Phase 1" and "Phase 2," about "the contents of the cereal package," or about what is really meant by a "consumer." It does not matter whether you call us "consumers" or something else. Call us what you will. Call us "consumers"; call us "radicals"; call us "troublemakers"; call us "rabble-rousers"; or simply call us blind people with a cause who intend to be heard. Call us whatever you want to; but be warned, and heed what we say to you. You may have peace and cooperation if you will treat us like human beings and work with us constructively and with understanding; or you may have war and the bitterness of hell itself if you continue on your present course. You cannot intimidate us; you cannot double-talk us; you cannot ignore us; and you cannot flimflam us.

While there is still time (and even at this late date), I urge you to act constructively and positively, to work with us to reform NAC. I urge you to put the past behind you, to recognize that representatives of the blind must play a meaningful part in the operation of the governmental and private agencies established to serve them, and to go forward with us to a new era of cooperation and harmony. There is still time, but the time is running out.

I have written you frankly and directly but not with ill will. I hope that you will see fit to respond (really respond) to the issues raised here and in my letter of December 12, 1972. In any case the situation cannot remain as it is.

Very truly yours,

Kenneth Jernigan, President
National Federation of the Blind

KJ/skl

Enclosure

Report of a Tentative Proposal for the
Development of Standards for Consumer Participation

As you know, the matter of developing or revising standards relevant to consumer participation, has been given a priority by our Commission on Standards. A proposal is being prepared on this topic and we are optimistic that funding will be available because of the growing feeling of those in government and the private sector that increased consumer participation in the operations of voluntary and governmental agencies is desirable.

Most of us are aware of the potential benefits of such participation. For the consumer to have a voice in decisions affecting him is a logical aspect of a democratic society. Increased consumer involvement can promote a cooperative relationship of partnership between service provider and service user that would insure more valid assessment of need, improved communication and feedback between two reciprocal components to validate program and services, insure their relevance, and make the agency more open and responsive.

On the other hand, we are also familiar with the fact that consumer participation is not a simple matter; complications must be dealt with and conflicts resolved if effective consumer participation on a continuing basis is to be achieved.

With this brief background, let me discuss the scope and structure of this project as it is conceived in this planning stage.

The focus of the project is to determine how NAC, through the accreditation process, can help to implement and insure effective consumer participation in the agency or school serving visually handicapped.¹ Such a project must involve two interdependent phases: (1) the study phase and (2) the implementation phase.

Phase One would involve exploratory study and planning. The study aspect would be to identify those concepts of consumerism which have implications for national standard setting in our field. Consumer participation and consumer representation are very general terms that can mean all things to all people. As a result, there is a risk that they can be applied simplistically, resulting in arbitrary quota systems or impulsively resulting in inconclusive power struggles.

Let us, then begin by asking, who is the consumer? We must recall that this concept is borrowed from the field of economics where it refers generally to such things as the right of the purchaser to know the contents of the cereal package. Are we taking liberties by applying this same term to the recipient of complex psychosocial services provided by a trained professional? Perhaps, the service recipient, on the other hand, has a greater right to know what's in the "package." Assuming for the present that a more suitable term cannot be found, we must attempt to define the "consumer" in the field of services to the blind and visually handicapped.

Is the consumer the current user of these services, the potential user, the past user (the rehabilitated blind person or successful graduate of a residential school for the blind, for example), the recipient of preventive or screening services, the purchaser of services, the most deprived and needful, the "organized blind" or the individual client who speaks for himself? Indeed, the four or five hundred local agencies and schools for the blind throughout the country may well have varying categories of consumers. The complexity of the definitional issue becomes apparent.

Once a consensus is reached regarding who are the consumers, the next step is to define their role or roles in the life of the agency. On which levels of policy making, program development, and service delivery should they participate? The interests of the consumers must be expressed through their input in the agency system. Participation must be effective rather than nominal or ambiguous. The search for useful guidelines or a potentially viable model from the field of health, rehabilitation, or other related fields would be a part of this exploratory study.

It is proposed that the work of Phase One be assigned to approximately ten members composed of the following: those who have expertise in planning and providing services for the visually handicapped, knowledge and experience with potential guidelines or models of

1. It must be remembered that NAC standards are based on consensus of "best practice" and require that the knowledge of experts has been used to evaluate practice. Standards are not "theoretical." It follows that there must be a consensus regarding the principles on which new standards are developed.

consumer participation in the helping services, and consumer representatives. The latter could include three representatives who might reflect a cross section of national and regional consumer groups. Selecting consumers for the committee would seem to be begging the question, since defining the consumer is part of the project. However, in order to initiate the study, consumer participation should be provided for. It is also proposed that the committee establish communication with various consumer groups to obtain broad-based consumer input in this project.

The central goal of this committee will be to determine the feasibility of incorporating into NAC standards, guidelines for consumer participation in the various agencies providing direct services to the blind and visually handicapped. The chairman of this committee should be an administrator who can manage the organizational tasks to complete Phase One promptly. A report of this committee's findings and recommendations would be published.

Phase Two would require a committee (appointed by NAC after consultation with appropriate groups and the above advisory committee) to revise the NAC standards which may require revisions, or to augment existing standards, in order to implement Phase One recommendations. For example, it might be recommended that section C.1 of our guides (Agency Function and Structure) include more explicit principles on the need to reflect the opinions and attitudes of the consumers in provisions relating to "accountability," the role of the governing body and the agency administrator, etc. The Phase Two Committee will also have the task of drafting revisions of the instruments (self-study and evaluation guides) to administer the accreditation process relative to the new provisions. The size and composition of this committee will depend upon the scope of its task based on the recommendations of Phase One.

The interdependence of Phase One and Two cannot be underestimated. Without Phase One, we might be taking action impulsively without a sound base of planning and research. Without Phase Two, we would run the risk of studying the problem without action, which can be a delaying tactic to avoid change. Together, the two phases represent action-oriented study which we feel can produce fruitful results.

* * * * *

CONSUMER INVOLVEMENT IN NRA by Richard A. LaPierre

[Reprinted by courtesy of the *Journal of Rehabilitation*, the monthly publication of the National Rehabilitation Association. The author is the Director of the Easter Seal Society of Massachusetts]

"Today we are getting the first shot and a direct unfiltered sound from the consumer. We are getting a different perspective about the other fellow's problems. Consumer involvement at all levels is undoubtedly the greatest need and holds the greatest promise for

substantial improvement in providing human services."

W. Scott Allan, cochairman of the National Citizens Conference on Rehabilitation of the Disabled and Disadvantaged—and past-president of NRA, made this call for action as he summarized the conference highlights in June, 1969.

At almost every subsequent national conference on rehabilitation, including those sponsored by NRA, similar requests for consumer involvement have been issued.

Last July in Memphis, the Board of Directors of NRA authorized the establishment of a Task Force on Consumer Involvement. Both presidents Burk and Burress have given this Task Force their endorsement and support.

It is realized that various segments of NRA have participated in consumer activity in an informal way for a number of years. The establishment of the Task Force, however, has given this involvement greater stimulus and direction. Its membership includes NRA Board members and representatives from consumer groups around the country.

At the recent July meeting of the NRA Board of Directors held in Washington, D. C., it was my privilege as chairman of this Task Force to make a twelve-month progress report which included preliminary recommendations. Highlights of this presentation are as follows:

1. Definition:

(a) A consumer is defined as an individual who by reason of his disability is eligible for, may require, has received, or is a recipient of some kind of human service including medical, rehabilitation, housing, transportation, etc., as provided by an agency.

(b) A consumer group is defined as a group of consumers who have joined together for the general welfare of their membership.

(c) A consumer representative is an individual who represents a constituency, is elected by them, and accountable to them.

2. As a result of the efforts of the Task Force, NRA has received a grant from RSA to undertake a consumer involvement training project for NRA chapters, its members and others in the field of rehabilitation.

3. Additional material will be developed for use by chapters and divisions in developing continued and long-range consumer involvement activities.

4. A tentative list of principles of consumer involvement was prepared for consideration and action by the Rehabilitation Policy Committee. The principles call for the involvement of consumer representatives at all levels of NRA—including policy making bodies—and they request that NRA use its offices and influence to have other associations and

agencies do likewise.

5. The consumer needs as expressed in a "direct, unfiltered sound from the consumer" are much broader than those services now provided by the traditional agencies. They recognize the leadership which NRA has exercised in the development and expansion of vocational and medical rehabilitation services. They strongly urge, however, that NRA use this same leadership in meeting such additional needs as adequate housing, transportation, the removal of architectural and attitudinal barriers, the ability of handicapped persons to obtain adequate life, health, and accident insurance, and absentee ballots for those confined to their homes. (*This would make an excellent election year project for NRA chapters.*) In fact, this Task Force developed a list of nearly twenty unmet needs in which they have sought NRA support.

Although a number of disabled individuals have made valuable contributions at various levels of NRA, the Board recognized the difference between a handicapped person and a consumer representative, and elected as a nonvoting Board member Miss Judy Heumann, president of Disabled in Action.

The action taken by NRA during the past year provides it with an opportunity to make a major contribution in consumer involvement in the field of rehabilitation.

Let us hope that future conference speakers will not look upon consumer involvement as a long-term goal, but an accomplished fact.

* * * * *

FEDERATIONISTS DEMONSTRATE AGAINST NAC

by
Don Brown

[Editor's Note: This is another report on the December happenings]

Robert Acosta and I left California Friday evening, December 8. We arrived in New York early Saturday morning after an all night flight. After checking into the Prince George Hotel where the NAC meetings were to take place on December 10th and 11th and where all the NFB people were staying, we surveyed the hotel and the immediate environs. Federationists began coming in from New York and all over the country. Eventually there were delegations from eleven states. In mid-afternoon, we had our first briefing meeting in which the importance of the demonstrations, our strategy and tactics were reviewed. We were to carry placards. The placards bore messages such as: "Blind Rights Yes, NAC No", "NAC won't listen to the Blind", "NAC leaves the Blind cold." We were to carry these placards and hand out handbills. It was emphasized that we were to be non-violent if attacked physically, courteous if insulted, but firm in our resolve to demonstrate regardless of the consequences. Self-discipline was emphasized.

Throughout the afternoon and early evening, people continued to arrive; our plans for the weekend were repeated for the new arrivals. Saturday evening one of our rooms was turned into a "workshop" for the stapling of the lath handles to the placards. Late Saturday night several Federationists stored finished placards under their beds.

Early Sunday morning, December 10, a room was procured for the NFB demonstration headquarters. The remainder of the placards were assembled and a second meeting was held at which many new people appeared. Again strategy and techniques were discussed and there was talk about the historical significance of the demonstrations. Coincidentally and ironically, our room was next to the NAC meeting room. Although there were no demonstrations against NAC in the corridor outside of the NAC meeting room, it was necessary when carrying placards from the NFB room to the street to pass by the NAC meeting room.

By midafternoon an enthusiastic group of Federationists took to the streets. By 3:00 p. m. there were close to sixty blind people carrying signs and passing out hand bills in front of the hotel on 28th Street, in back of the hotel on 27th Street, and on the two connecting streets, Madison Avenue and Fifth Avenue. Federationists were certainly out in full force when the bulk of the NAC people arrived for the Sunday evening dinner meeting.

We continued to demonstrate throughout the dinner hour until about 9:00. Our effectiveness was measurable early. NAC was quickly shaken as evidenced by what was to become a familiar spectacle, namely, Miss Ann New, "public relations expert" for NAC, running back and forth arguing with demonstrators and attempting to disuage passersby of our sincerity if not our sanity. The tenor of Miss New's argument was that you couldn't have the blind governing their own affairs for the same "obvious reasons" that you wouldn't have the mentally retarded teaching the mentally retarded or first graders teaching third graders. Miss New's theme throughout the weekend was that any disagreement between the blind and NAC was the result of lack of information by the blind.

The other means of measuring NAC's insecurity was uncovered by Don Morris early Sunday evening. Alexander Handel, the executive director of NAC, had his college-age son around "to keep an eye on things and find out what he could." The ignominy of this objective was degraded further by the techniques that Todd Handel employed. At a 9:00 Sunday evening meeting at which Don Morris presided, Todd Handel was uncovered lurking about the open door. Don invited him in to the meeting, introduced him and his weekend objective to the assembled Federationists. Don Morris then engaged Todd in a discussion involving several moral and ethical questions of immediate concern.

Shortly after Todd Handel's departure, John Taylor and Dr. Pat Peppe, the two NFB observers invited by NAC, emerged from the NAC dinner meeting. They both gave a report on the NAC meeting and we in turn filled them in on the evening demonstrations and the Todd Handel caper.

Monday morning Federationists were up bright and early, breakfasted and on the

streets to carry the word to New York's population. The Prince George Hotel is located in a commercial district and, therefore, the volume of foot traffic throughout Monday was tremendous. While I was standing at the corner of 27th Street and Madison Avenue passing out handbills and talking to passersby, I was approached by a man who inquired as to the press coverage. Operating on a hunch, I asked if he were Todd Handel. He reluctantly acknowledged the point, whereupon we engaged in a short but lively discussion on the nature of NAC, the nature of democracy, and the relationship of one to the other. While we were engaged in this dialogue a passerby approached me and attempted to place a dime in my hand. I politely told the stranger that what we were demonstrating for was our rights, not charity. I then turned to Todd Handel and said that this incident pointed out one of the basic differences between the NFB and NAC; that they, NAC, were engaged in the distribution of charity. Todd acknowledged my point by abruptly leaving.

Throughout Monday morning demonstrators were on the street concentrating on the four corners of the block and the front entrance and the rear entrance of the Prince George Hotel. The demonstrators worked the sidewalks in shifts, many attending the morning press conference while others relieved each other for an early lunch.

Twelve o'clock saw the sidewalks thronged with New Yorkers rushing to their lunches and the Federationists were out carrying placards and distributing as many handbills as possible. During this time Bob Acosta and I were passing out handbills at the corner of 28th Street and Fifth Avenue. Because of the heavy traffic and the interest of the passersby in blind people demonstrating, we were passing out handbills as fast as we could manipulate our frozen fingers and repeating, "Read this and write to your Congressman." While so engaged, a familiar voice said, "Hello, Don, this is Todd Handel." Without breaking stride, I said, "Read this and write to your father."

Throughout Monday several photographers were on the street recording the demonstration on film. During these occasions, Miss Ann New was particularly nervous, fluttering about the edge of the demonstration, exclaiming, "This is all a misunderstanding!"

NAC adjourned their board meeting early and went into executive session. The NFB demonstrations ended during the mid-afternoon and we returned to the demonstration headquarters and were given a briefing by John Taylor and Pat Peppe on what took place in the NAC meeting.

We left New York on a 7:00 o'clock flight to California exhausted and exhilarated by the knowledge that we had participated in an historic event. The NFB came that much closer to making NAC responsive to the needs of the blind, thanks in part to the good press coverage given to us by the New York news media, thanks in part to the bungling of NAC's own staff, and thanks to the dedication and involvement by Federationists from all over the country.

* * * * *

VICTORY IN THE WECKERLY CASE

It has been a long and sometimes frustrating case, but final victory for blind teacher Evelyn Weckerly, the NFB, and Attorney Carl Schier has been won. And, whether they are Federationists or not, and whether they like it or not, it is in reality an NFB victory on behalf of every blind person who is or desires to be a teacher in the regular public schools of this nation.

Carl Schier wrote to President Jernigan after agreeing to take on the case in June 1968 a summary of the matter as he then saw it: "I feel that we are on firm ground and that we will eventually prevail. . . . The Board of Education did not give Evelyn notice of termination of her contract within the sixty day limit, nor did they include in her letter of termination, nor did they state at the hearing, the grounds of termination. I think that these two errors may result in Evelyn being declared to be a tenured teacher, . . ." And so it was.

"I am tremendously excited about the case, for I honestly believe that Evelyn is a fully qualified, highly competent teacher, of which we have too few in this day and age. . . . If it becomes apparent that the School Board has dismissed her because of her blindness, we will have an outstanding case of first impression in the State of Michigan in which we can raise constitutional issues. . . . I want to thank you and the National Federation of the Blind for your financial assistance in this case. . . . I am not a stranger to the Michigan Council, nor to the National Federation, nor to the late Dr. tenBroek, whom I knew personally and whose philosophy of social welfare I share."

In August of 1968, Mr. Schier made a further report to President Jernigan in which he said, in part: "You will be happy to know that Evelyn prevailed in her appeal to the Michigan State Teachers' Tenure Commission concerning her status with Mona Shores Board of Education. . . . I had expected a unanimous decision, but the Commission voted three to two in our favor. . . . The attorney representing the . . . Board of Education indicated that he was happy to have received even two votes, and I explained to him that the fact that Evelyn is blind is the probable cause for two members of the Commission finding against us. . . . In spite of this victory, the Mona Shores Board of Education indicated that they intend to appeal the decision. That decision. . . was taken against the advice of their counsel."

One year later, the Circuit Court handed down its opinion. And on August 14, 1969, Mr. Schier again reported: "The Order reversing the decision and Order of the Tenure Commission. . . was entered on July 23, 1969. Hence the . . . County Circuit Court reversed the decision of the Tenure Commission and has denied Evelyn status as a tenure teacher. . . . I have perfected an Appeal to the Court of Appeals, and we will have a hearing on my request for an Appeal Bond on Friday, August 15. If the Bond is granted the Order entered on July 23, will be stayed, and Evelyn will remain employed in the Mona Shores schools during the pendency of the Appeal.

"It was frustrating to me to complete the work on the Appeal and have the judge

hearing the Appeal reverse the decision of the Tenure Commission. It became quickly apparent at the time we made our oral arguments that the judge had made up his mind even before reading the Brief submitted by the school system. Counsel for the school system opened with a five to ten minute argument, and then he closed. I then . . . argued for thirty-five minutes. At the close of my argument the judge . . . asked me a series of questions that had nothing to do with the arguments I had made nor with the issues in the case. . . . From the questions asked, and based upon the fact that he had not read the Brief from the school board, nor had he learned anything from their oral argument . . . it became apparent that the judge had made up his mind. I was furious, but there was little I could do other than to wait for the judge's opinion. . . .

"My experience was a frustrating one, and I certainly hope that your life as President of the Federation is not filled with similar occurrences. I am afraid I would have trouble maintaining a balanced and healthy outlook on life if I felt that my every reasonable argument and thoughtful attempt to produce fair and honorable results in the courts and through legislation would be blocked at every corner by deep seated prejudice and bigotry. There is no question in my mind that whatever motivated the judge . . . , it was not his respect for the law, nor his desire for justice, nor his wish to see a fair settlement to all controversies. . . ."

Certainly the reply he received from the organization's President, Kenneth Jernigan, brought Mr. Schier a measure of reason to assure his own:

"This will reply to your letter of August 14 concerning the Weckerly case and other matters. Yes, it is frustrating to lose a round in the courts, especially when one knows that he is right. However, as I told you on the phone, if I became upset every time I ran into problems of discrimination, I would be in a constant state of agitation and would probably die of apoplexy or ulcers in short order.

"Also, we have the added problem that many blind people themselves do not seem to have sense enough to see that they have a personal stake in such matters as the Weckerly case and that they should get involved. Very often I am asked by blind people 'Why should I join the Federation?' Or, 'What good is all of this speech making, publicizing, and organizing?' It is by no means rare for a blind person to say, 'Well, you see. most of my friends are sighted, and I have made it on my own-without any help at all from organizations of the blind or agencies.' Still others say, 'The local organization in my area is made up of older people. The meetings are dull, and *they* don't really do anything.'

"I mention all of this just to show that stupidity is not limited to the sighted. I also mention it in order to go on to say something else: It is true that overwhelmingly the attitudes of the public at large are based on prejudice and ignorance. It is true that many of the blind are indifferent and unable to see that their own self-interest lies in working actively and vigorously as part of the National Federation of the Blind. But it is also true that we are making tremendous progress—that we are winning victories at an accelerated pace. More and more blind people are coming into the movement and working tirelessly in it

and more and more sighted people are rallying to us. Throughout the nation, in our state and local affiliates, we are acquiring dedicated and intelligent leaders and members, who are pooling their efforts as a national force. Our cause is just and our movement is unstoppable. We shall persist; we shall be heard; and we shall prevail!

"It is unfortunate that we have suffered a temporary reverse in the Weckerly case, but this is only one battle in an overall struggle which we have no intention of losing. As I told you on the telephone, press forward with the Appeal. The Federation can commit the money and resources to the battle which you indicated you thought we would need."

When a couple of weeks later Carl Schier wrote to President Jernigan about our victory in the Fucinari case, he thanked him for the reply to the August 14th letter saying in part: "it is reassuring to know that your group is striking out and forging ahead regardless of temporary setbacks such as the one we have experienced in Evelyn's appeal. You are indeed a courageous group and I am proud to be working with you."

The work of appeal and reversal went on over the next two years. Finally on December 1, 1971, Mr. Schier reported to Mr. Jernigan with great satisfaction: "I received in the mail . . . a copy of an order of the Court of Appeals in the State of Michigan giving us just exactly what we wanted in the Weckerly file.

"Without a hearing, and without the necessity of filing additional briefs, the Court of Appeals reversed itself, reversed the trial court . . . , and re-instated the order of the Tenure Commission, which means that Evelyn is now a tenure teacher with the Mona Shores Board of Education and is entitled to all back salary. . . .

"We are thus successful in everything we have attempted for the Federation in the courts of the State of Michigan, and I think rightly so." The President of the National Federation of the Blind spread the good news throughout the organization. But, alas, it was not to be the final word. Again there was an appeal.

In February 1972, after the Michigan Court of Appeals again reheard the case submitted on briefs, and once again reversed itself, the Weckerly case was finally appealed to the Supreme Court of Michigan. The President wrote on February 9, 1971 to the Executive Committee and State and Chapter Presidents: "It is with regret that I send you the enclosed correspondence (on the Weckerly case). By statement of our attorney and by action of the Court of Appeals we were assured that we had won the Weckerly case. We are now back in the courts and back on the Barricades. Be it so. We will certainly fight on to victory."

Finally, and we hope finally, on January 3, 1973, Attorney Carl Schier was able to write to the President of the National Federation of the Blind, that the Supreme Court of Michigan had ruled in a unanimous decision in favor of Evelyn Weckerly. She is now a tenured teacher entitled to full back pay for all the years that the case has been in the courts.

For four and a half years the Federation stood its ground on the barricades, neither flinching nor faltering. Such constancy is a comfort to those of us who seek the aid of the National Federation in the battles for equal treatment for the blind.

* * * * *

HAWAII FEDERATION ATTACKS AGENCY WORKSHOP PROPOSAL

by
Curtis Chong

Ho'opono, the Hawaii State rehabilitation agency for blind persons, was recently accredited by the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (NAC) to the misfortune of every blind person in the State. One of the recommendations included in the report of NAC's on-site survey committee was that the agency's sheltered workshop be expanded.

Since Ho'opono was given accreditation for a two year period with possible extension to a *full five years* it attempted to re-open the sheltered workshop which it had phased out at the end of fiscal 1970 in order to comply with the recommendation of the on-site survey committee.

An ad hoc committee of the Ho'opono Advisory Board recommended to the Board at its regular October 26 meeting that Ho'opono's sheltered workshop be re-opened temporarily until such time as the State could establish its own workshop for all physically handicapped persons, supposedly within five years. (It should be pointed out here that this ad hoc committee had met three times prior to the October 26 Board meeting and had not once seen fit to consult with a substantial number of blind persons, much less with the organized blind.) The committee's principal argument in favor of the workshop was that thirty written and twelve verbal requests had been submitted to Ho'opono and that the twelve individuals who had verbally requested the shop were willing to be a part of that shop. Furthermore, the committee's report indicated that there were a number of blind people who had not met the standards of other, existing sheltered facilities. The committee's recommendation was put into the form of a motion.

Fortunately, however, the Hawaii Federation of the Blind was successful in staying the approval of the committee's recommendation at that time. A petition signed by thirty concerned blind citizens was submitted to the Advisory Board. The petition rebuked the Board for lacking the courtesy to consult with a substantial number of Hawaii's blind and further stated that the petitioners were disappointed that the Board had virtually chosen to consider the recommendation of the ad hoc committee unilaterally. Finally, the petition asked the Board to permit a representative from the group of petitioners to speak at the Board meeting.

This writer spoke before the group and told the board members that before voting upon the ad hoc committee's proposal, they should first hold an open hearing at a time

which would be convenient for the maximum number of persons, be they blind or sighted, to attend and speak pro or con in connection with the proposal.

Surprisingly enough, the members of the Board decided to approve this request from a group of thirty concerned blind persons. The ad hoc committee's motion was deferred until such time as an open hearing could be held.

The hearing was scheduled for 1:00 p. m., Sunday, November 19, 1972 at the Kaimuki Public Library, a place which most people had never heard of before. (The reason given for this choice of location was that holding the hearing at Ho'opono would be unfair to the opposition and that it was thus being held on "neutral ground.")

Be that as it may, the hearing lasted for about three hours. During those three hours there occurred the largest demonstration of determination and Federation spirit that had ever been shown in Hawaii. Federationist after Federationist rose and testified in opposition to the re-establishment of the sheltered work shop, and each had his or her own reason for opposing the proposal. Prominent among those who testified was Alan Jenkins, Director of the State Orientation Center for the Adult Blind in California who was in Hawaii to attend the Federation's seminar which had been held on November 18, 1972.

The hearing received excellent coverage in the news media.

In closing, one final item should be pointed out. The Ho'opono Advisory Board showed a shocking lack of interest in the views of blind consumers on the day of the hearing. Out of twenty-six Advisory Board members only eight saw fit to attend, and out of those eight who did attend, two were members of the Hawaii Federation of the Blind.

Because it has not yet met subsequent to the open hearing, the Ho'opono Advisory Board has not yet voted upon the proposal to re-establish the sheltered workshop for the blind. When a vote does occur, readers of *The Monitor* will hear of it as soon as possible.

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NFB FIRST VICE PRESIDENT HONORED

[Editor's Note: Following are the comments of Mr. Gayle O. Averyt, Chairman of the Board and Chief Executive Officer of Colonial Life and Accident Insurance Company at a special presentation attended by more than 400 persons in honoring Donald C. Capps. Don's wife, Betty, was also an honored guest.]

We ask Donald C. Capps to come forward at this time. Don began work with Colonial as a claims examiner trainee in April, 1947 and is presently assistant to the vice-president of claims. Throughout his twenty-five years with Colonial, Don has served his company and his fellowman in many significant respects. Five years ago at a similar occasion my father expressed certain sentiments which I would like to repeat and re-emphasize today. He said

"Don has done a superior and faithful job for the company in spite of a vision handicap which he has overcome in remarkable fashion, and which he has never allowed to circumscribe his life, family, and community activities, or his efficiency in performance of his very responsible job. We take a reflected glory in Don Capps and are extremely proud of the tremendous contribution he has made in this State and over the whole country toward the progress and betterment of his fellows."

As these words were true five years ago, they are even more true and accurate today.

Don is a deacon in the Kilbourne Park Baptist Church and a member and director of the Forest Acres Rotary Club. He is first vice-president of the National Federation of the Blind, president of the South Carolina Aurora Club, executive director and chairman of the board of trustees of the Aurora Center of the Blind and editor of *The Palmetto Auroran*, a quarterly publication of the South Carolina Club, and he has held many other related responsibilities.

Just listing these activities in no way does justice to what Don has contributed toward the betterment of the blind in South Carolina and throughout the nation. More than any other single person in this State, Don has provided the leadership and drive which has resulted in passage of legislation, in the creation of commissions and organizations which have enhanced immeasurably the lives of hundreds, and even thousands, of his fellowmen. To do all of this while at the same time performing fully his significant job responsibilities at Colonial Life and leading a full life with his devoted wife Betty and their two fine children is indeed a truly remarkable accomplishment. We are all most fortunate to have the opportunity to be associated with Don and are benefited by his example of courage and leadership.

Don, it is with a great deal of pleasure that I award to you these twenty-five year awards--this certificate of appreciation, the Minuteman ring which you have chosen, and a check in the amount of seven hundred dollars.

* * * * *

STEALING FROM THE BLIND--POSTSCRIPTS

[Editor's Note: Readers of last month's *Monitor* will recall the thoroughly well-researched article entitled "Stealing From the Blind" by Marjorie Boyd. The following commentaries are published as postscripts to that article. One is from the CBS News Opinion Series, *Spectrum*, the other is an Editorial from *The State*, published in Columbia, South Carolina, one of that State's most important newspapers.]

CBS RADIO NETWORK
DECEMBER 16, 1972

I'm John K. Jessup.

The man who fired a revolver up the chimney and told his children he had just shot Santa Claus used to be considered the meanest man in the world. But this Christmas he has a couple of million rivals in our real-life federal bureaucracy. The story is told by Marjorie Boyd in the current *Washington Monthly*. It's called "Stealing from the Blind" and that's exactly what it's about.

The story begins in 1936 when the New Deal passed its Blind Vendors Program. This gave blind people first call on the news and candy stand concessions in all federal buildings, thus helping the handicapped to earn their own living and demonstrate their employability. In 36 years the program has cost the government nothing, has kept thousands of blind people usefully occupied, and has been one venture in government altruism that works.

Enter now two new factors: the vending machines, and the federal employees' benefit associations. The latter discovered that the former could be a nice source of dough for their recreational and welfare programs. So they have moved the vending machines into the post offices and office building lobbies and forced the blind vendors' stands into dark corners or out of business altogether. The civil servants seldom assault their blind rivals physically. They just prevent them from finding their way into new buildings, or otherwise stack the cards against them. Blind people are not very militant in defense of their rights, and every one put out of business means an average of six thousand dollars a year for the vending machine, which goes to the public employees' unions for their bowling leagues, tennis courts, office picnics and what not. There are now four or five thousand blind vendors waiting in vain for locations the machines have preempted.

An additional irony is that while the blind have a law on their side, the civil servants and their unions are flagrantly defying the law. The Comptroller General has ruled that the proceeds of the vending machines belong to the Federal Treasury. But the unions take it anyway and the ruling is not enforced. When the Senate passed a law to stop this robbery, the House killed it under pressure from the greedy bureaucrats.

Those bureaucrats, over two million strong, are a brazen, powerful and rather chilling force in our society. As author Boyd points out, the Christmas moral is that their self-absorption is even more dangerous than Scrooge's, since there are nowhere near enough Marley's ghosts to confront them.

HALTING THE BLIND

[Reprinted by courtesy of *The State* of Columbia, South Carolina]

There is profit, we are told, in coffee and doughnuts but not in mashed potatoes, cold slaw, and Salisbury steak. And therein lies the cause of an uneven confrontation taking place in Washington, that city of great issues.

The General Services Administration (GSA), it seems, is upset because the blind concessionaires who run the newspaper-cigarette-hot java stands in federal buildings are cutting into the "take" of the folks who run the cafeterias in those same buildings. GSA wants the blind operators to stop selling competing items like coffee, cookies, hot soup, and hot dogs.

The GSA, however, is not the big enemy of the blind peddlers. The big government employe unions all have special funds to provide things like scholarships and other benefits to members. They want some of those nickels, dimes and quarters the blind are getting, particularly from automatic vending machines. A postal workers union leader is threatening a boycott of the lobby stands run by the blind.

Maybe the blind are being too pushy in wanting the whole moon pie; we aren't versed enough on the issue to say. Under law, however, the federal government must give the blind preference in owning these stands. It trains them and sets them up in business—and gets a percentage of the profits in return. South Carolina's State government has a similar arrangement. These handicapped people may be making a haul but we haven't seen any of them being chauffeured around Columbia in canary Cadillacs and we doubt that is happening in Washington either. In fact, we wonder which side is unseeing here.

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RECIPES OF THE MONTH
by
Beth Graber

[Editor's Note: Beth Graber is secretary of the NFB of Kansas.]

HAM & NOODLE CASSEROLE

3 Tb. butter	½ cup grated cheese
1/3 tsp. paprika	4 Tb. flour
2 tsp. minced onion	½ tsp. salt
¼ cup cooked, diced celery	1 tsp. minced parsley
1 cup chopped, cooked ham	1½ cups milk
1 cup cooked noodles	

Melt butter. Add flour and seasonings. When blended pour in milk and cook until a creamy sauce forms. Stir constantly. Add ham and pour over noodles. Place in a shallow, buttered baking dish. Sprinkle with cheese and bake twenty minutes in a moderate oven (about 350 degrees).

PRUNE SPICE CAKE

1 pound (1½ cups) dried prunes	½ cup broken California walnuts
2 cups sifted all purpose flour	1 tsp. nutmeg
1½ cups sugar	¼ to ½ tsp. cloves
1¼ tsp. baking soda	½ cup salad oil
1 tsp. salt	3 eggs
1 tsp. cinnamon	1 recipe Crumb Top*

Cover prunes with water and simmer twenty minutes or until tender; do not sweeten prunes. Drain, reserving 2/3 cup of the liquid (add water if necessary). Pit and chop prunes. Sift together dry ingredients; add reserved prune liquid and the salad oil. Mix to blend. Beat vigorously two minutes. Add eggs; beat one minute. Stir in prunes. Pour into greased, floured 13 x 9 x 2-inch baking dish. Sprinkle with Crumb Top, then nuts. Bake in a moderate oven (350 degrees) for thirty-five minutes or until done. Serve warm.

*CRUMB TOP: Combine ½ cup sugar and 2 Tb. flour; cut in 2 Tb. butter until crumbly. Sprinkle over batter.

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MONITOR MINIATURES

The Department of Health, Education, and Welfare announced that the Federal Government has given the States a three-month extension before putting into effect its plans to withhold nearly seven hundred million dollars in matching welfare funds. It was announced that the penalties for ineligible and overpaid relief recipients would begin no later than April 1. State administrators claimed errors have increased recently because of unrealistic Federal regulations made mandatory on the States. They urged immediate repeal of three, with particular emphasis on: a regulation requiring public assistance payments on the verbal and written representations of applicants without collateral investigations; a regulation requiring continuation of payment for a 15-day period after notice of suspension, plus continuation of payments through the fair hearing practice; and a regulation prohibiting states from requiring recipients to automatically sign authorizations for investigation of income and resources.

* * * * *

Mary Jane Fry reports that the annual convention of the National Federation of the Blind of Rhode Island was held Friday evening, October 20, 1972, at the "1025 Club" in Johnston. Approximately fifty Federationists and twenty invited guests were in attendance. Newly elected officers were installed: president, Kenneth Brackett; first vice-president, H. Don Levesque; second vice-president, Richard Gaffney; secretary, Mary Jane Fry; and treasurer, Richard Perreault. Two new members of the board are Charlene Metcalf and Louis DeFelice. Following installation of officers, Federationists and guests enjoyed a speech that

had been taped by Dr. Jernigan to be played especially for our convention banquet. After that excellent address, a fine speech was given by a local legislator who is well known in this State for his work in the area of soil and water conservation. A beautiful hand-made afghan was awarded as a door prize plus several smaller prizes. This was followed by musical entertainment provided by talented Federationists. Our convention was indeed a great success, and we are looking forward to next year.

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The Louis Braille Foundation for Blind Musicians announces the formation of a special division for the management and placement of blind musicians. The division will be known as the LBF Artists Bureau and will concentrate on the promotion of blind classical, jazz, folk, and country western performers. Werner Landshoff will serve as bureau director. Mr. Landshoff is a renowned music educator and cellist. It is hoped that this new division will help offset the prejudice against blindness which exists in the entertainment world, on the part of potential employers, agents, managers, and the public. The services of the LBF Artists Bureau will be available to any talented blind musical artist in the nation, regardless of race, religion, or color, and will operate on a non-profit basis. Information can be obtained from the LBF Artists Bureau, 112 East 19th St., New York, N. Y. 10003.

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Rosamond Critchley reports from Massachusetts that Mr. C. Lewis Brothers suffered a heart seizure on Sunday night, December 17th, while attending the Christmas party of the Worcester chapter of the NFB of Massachusetts, and was rushed to the hospital, where he died. He was a charter member of the chapter, and had been active in both the local and State organizations. He will be greatly missed by all of us, including those who had known him during his many years as operator of the vending stand at Worcester City Hall.

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The Reverend Larry Gillick, blind priest, recently celebrated mass at which a nun took her final vows during which she performed a liturgical dance at St. Patrick's Catholic Church in Cleveland, Ohio.

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A California Superior Court Judge recently ordered restoration of full Medi-Cal (Medicaid) benefits to about ten thousand aged, blind, and disabled persons who became ineligible because of the recent twenty percent increase in Social Security benefits. The Judge made the order as a result of a class action suit on behalf of the ten thousand persons. He said that the State Department of Health Care Services must restore the aid because of H. R. 1, the so-called 1972 Amendments to the Social Security Act. The suit claimed that last October 1, the ten thousand persons, solely because of the Social Security increase, were declared ineligible for the type of medical benefits which provide comprehensive

health care without liability to the recipients. According to the plaintiffs, the 1972 Amendments to the Social Security Act require States to immediately restore no-liability benefits to those who lost them merely because of the Social Security increase. It is claimed that this decision is the first one in the country on the issue of H. R. 1 as it pertains to the Social Security increase.

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A two hundred thousand dollar program to train blinded veterans has been announced by the Veterans Administration. The funds will go to the Blinded Veterans Association of Washington. That organization then will hire blinded veterans to persuade others with the same problem to participate in VA training programs.

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Idaho's training program for blind adults has moved into newly-remodeled headquarters. The new quarters include classroom facilities for training people in Braille and typing, recreational facilities, and dormitory space for from twenty to twenty-five students. There is also a big double kitchen where blind persons can be taught home management. Another feature is a complete wood-working shop. Mrs. Uldine Thelander of Boise, a long-time member of the Idaho Commission for the Blind and also a former member of the NFB Executive Committee, received a special certificate of appreciation from the Governor. *The Blind Idahoan*, publication of the NFB of Idaho, reports that Governor Cecil Andrus has appointed Ruth Shove, president of the NFB of Idaho, to the Commission.

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Jesse Anderson, Coordinator of Services for the Visually Handicapped for the Church of Jesus Christ of Latter-Day Saints, was elected to the Utah State Board of Education. The Board has general supervision of all educational programs in Utah, and also administers the Vocational Rehabilitation programs, the Schools for the Deaf and Blind, and State Services for the Adult Blind. Jesse is currently a member of the NFB's Committee on Senior Blind.

* * * * *

The Midwest Blind Teachers Conference was held recently in Denver, Colorado. The Denver Public Schools guideline on hiring teachers with impaired vision was firmly challenged by Robert Acosta, president of the NFB Teachers Division, as well as by other blind teachers who participated in the conference. The Denver Schools have a rule which prevents the hiring of any teacher who has less than 20/40 vision. Don Brown, blind teacher and active Federationist from California, said: "In most instances blindness has no connection to over-all health. It's usually a physical characteristic like body size." Acosta said: "Frankly, the Denver Schools have a very poor track record in the hiring of blind teachers. We ask (the School District) that you work with us in overcoming your concerns about having such individuals in your classrooms. We ask that you give a blind teacher a

chance. Blindness should be neither a qualification nor a disqualification for any profession. The only consideration should be a teacher's education and qualifications. Blindness is nothing more than a minor nuisance that is no worse than having big feet or flaming red hair."

* * * * *

E. U. Parker, Jr., first vice president of the NFB of Mississippi, was recently awarded the Silver Beaver, a national award for volunteer scouts, achieving a high degree of service in scouting in their district. Parker was a Boy Scout District Chairman for the past two years, and only a very few adult volunteers in the program ever receive the high honor of being awarded the Silver Beaver. A past President of the Laurel Rotary Club, Parker is active in the Franklin Methodist Church. He is presently on the Welfare Board for the State of Mississippi and is a colonel on the Governor's staff.

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Please note that Ned Graham, 3511 Berwyn Avenue, Baltimore, Maryland 21207 is the Acting Treasurer for the NFB-CEIP Committee. Contributions for the Miss-A-Meal campaign and other gifts to the IFB should be sent to him.

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Edgar P. Sammons of Morristown, Tennessee, writes that he thinks it would be a good idea if the *Monitor* would print notices of the deaths of blind people, especially blind *Monitor* readers. He says that the *Matilda Ziegler Magazine* has a few such notices and that the *Christian Record* formerly did. How do other *Monitor* readers feel about this? Should we do it or not? Of course, it would mean that the state and local affiliates would have to do a good job of reporting, better than is sometimes now the case.

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